

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

**MARK TASSINARI, RICHARD
ESPINOSA, RANDY OWENS, AND
JONATHAN ANDERSON,**
individually and on behalf of all others
similarly situated,

Plaintiffs,

V.

**THE SALVATION ARMY NATIONAL
CORPORATION; THE SALVATION
ARMY, A NEW YORK CORPORATION,**

Defendants.

CASE NO. 1:21-CV-10806

**DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S FIRST AMENDED CLASS
ACTION COMPLAINT PURSUANT TO FED. R. CIV. P. 12(B)(1) AND 12(B)(2)**

Pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(2), Defendants The Salvation Army National Corporation ("National Corporation") and The Salvation Army, a New York corporation (the "New York Corporation," and together with the National Corporation, "Defendants") hereby respectfully move this Court to dismiss in its entirety Plaintiffs' First Amended Class Action Complaint ("FAC") for the reasons set forth in the accompanying Memorandum of Law in Support, declarations, and exhibits filed concurrently herewith.

REQUEST FOR ORAL ARGUMENT

Unless the Court summarily grants this motion and dismisses the Complaint with prejudice, Defendants respectfully request a hearing on this motion pursuant to Local Rule 7.1(d).

LOCAL RULE 7.1(A)(2) CERTIFICATION

The undersigned counsel hereby certifies that, pursuant to Local Rules 7.1(a)(2), counsel for Defendants conferred with counsel for Plaintiffs in good faith on September 20, 2021 and attempted to resolve or narrow the issues in good faith.

By:

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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on September 21, 2021.

/s/ Christine B. Hawes